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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,920	08/16/2001	Gary S. Foster	03716-P0002D	2564
24126 7590 07/27/2007 ST. ONGE STEWARD JOHNSTON & REENS, LLC 986 BEDFORD STREET STAMFORD, CT 06905-5619			EXAMINER DASS, HARISH T	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 07/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/930,920	<b>Applicant(s)</b> FOSTER ET AL.	
	<b>Examiner</b> Harish T. Dass	<b>Art Unit</b> 3693	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2001.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/9/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-12, 14-20 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawashima et al (hereinafter Kawashima – US 2002/0188560) in view of Hitachi LTD [hereinafter – Hita JP2001147956A] and Wilton et al. (hereinafter Wilton – US 2006/0053074).

Re. Claim 22, Kawashima discloses receiving trade execution information, the trade execution information indicative of an executed securities trade by a first trading party (buyer/seller) [Kawashima – Abstract; paragraph (para.) 87-91; 149-];

receiving trade allocation information, the trade allocation information indicative of an ordered trade by a second trading party (seller/buyer) [Kawashima - paragraph (para.) 87-91];

comparing the trade execution information with the trade allocation information, and determining that a match exists if the trade execution information and the trade allocation information correlate within a set of predefined acceptable trade parameters [Kawashima para. 13; 54-60; 93-97; 132-154; claim 8];

extracting allocation level details from the trade allocation information; and  
extracting contract level details from the trade execution information if the contract level details comprise a part of the trade execution information, and prorating the contract level details based upon the allocation level details if the contract level details do not comprise a part of the trade execution information [Kawashima Figures 4, 9-10; para. 5-6; 52-61 (detail allocations); 152-154];

matching contract level details (payment information, etc) indicative of the executed trade by the first trading party with allocation level details indicative of the ordered trade by the second trading party [93; 149-152; claim 8]; and

Kawashima does not explicitly disclose

creating contract notes based upon the matched contract level details and allocation level details and acceptable trade parameters specified by at least one of the first trading party and the second trading party.

However, Hita discloses creating contract notes (netting information is generated based on master contract) based upon the matched contract level details and allocation level details [see 2 pages]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Kawashima and include creating contract notes, as disclosed by Hita, to provide an efficient and quick netting process for control and generating netting information (contract notes) based on master contracts.

Wilton discloses acceptable trade parameters specified by at least one of the first trading party and the second trading party [paragraphs 04, 08, 90]. It would have been

obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Kawashima and Hita and include acceptable trade parameters specified by at least one of the first trading party and the second trading party, as disclosed by Wilton, to allow parties to use credit line to complete direct trade between the parties.

Re. Claims 23-24, Kawashima discloses wherein at least a portion of the contract level details are prorated proportionally and wherein at least a portion of the contract level details are prorated on an equal basis [para 22-23; 82 see how much to whom and different sets of payments are the broadest interpretation which covers every way the participants want to settle the payments].

Re. Claim 25, Kawashima discloses further comprising the step of providing a database of trading party profiles, the database of trading party profiles having stored thereon a trading party profile for the first trading party which comprises an indication of proportion rules, and wherein the contract level details are prorated either proportionally or on an equal basis depending upon peroration the rules [para. 132; 140-152 – see criteria for each set].

Re. Claims 1, 9, and 14-16, claims 1, 9, and 14-16 include similar limitations as claim 25, therefore claims 1, 9, and 14-16 are rejected over Kawashima in view of Hita and Wilton with same rational as claim 22.

Re. Claims 2-6, 10-11, 17-19 claims 2-6, 10-11, 17-19 include substantially similar limitations as claims 23-24, therefore claims 2-6, 10-11, 17-19 are rejected over Kawashima in view of Hita and Wilton with same rational as claims 23-24.

Re. Claims 7, 12 & 20, claims 7, 12 & 20 include substantially similar limitations as claims 25, therefore claims 7, 12 & 20 are rejected over Kawashima in view of Hita and Wilton with same rational as claim 25.

Claims 8, 13, 21 & 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawashima, Hita and Wilton as applied to claims 1, 4, 7, 9, 12, 14, 17, 20, 22, 25 above, and further in view of May (US 6,317,727).

Re. Claim 26, Kawashima, Hita or Wilton does not explicitly disclose further comprising the step of allowing the first trading party to access, modify and confirm the trading party profile. However, May discloses this feature [col. 2 lines 46-65; col. 5 lines 49-62; col. 40 lines 22-26]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Kawashima, Hita and Wilton and include further comprising the step of allowing the first trading party to access, modify and confirm the trading party profile, as disclosed by May, to allow the counterparties to accept each other for particular transaction.

Re. Claims 8, 13 & 21, claims 8, 13 & 21 include substantially similar limitations as claims 26, therefore claim 8, 13 & 21 are rejected over Kawashima in view of Hita and Wilton with same rational as claim 26.

### ***Response to Arguments***

Applicant's arguments with respect to amended claims/limitations have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Harish T Dass  
Examiner  
Art Unit 3693

